
Appeal Decision

Site visit made on 5 November 2019

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2019

Appeal Ref: APP/C3430/W/19/3236498

14 Stone Lane, Kinver, DY7 6EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Vandome against the decision of South Staffordshire Council.
 - The application Ref 19/00415/FUL, dated 17 May 2019, was refused by notice dated 12 July 2019.
 - The development proposed is new 2-bedroom dormer bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area, and;
 - the living conditions of occupants of No 14 Stone Lane, with particular regard to outlook

Reasons

Character and appearance

3. The site is currently laid to grass and utilised as part of the residential garden for No 14. It is set back from the main highway and would be accessed via an existing single width, unmade track from Foster Crescent which also serves a small garage court and adjacent residential development.
4. The site and adjacent dwellings served off the access track have the feel of being within a back-land position due to their location behind dwellings fronting the main highways, and restricted width and unmade nature of the access. However, the properties themselves are predominately large dwellings, set in generous plots, and set back substantially from the access track. Consequently, the appeal site, and its immediate environs have a spacious and open character which contributes positively to the character and appearance of the area.
5. The appeal site is significantly smaller than those in the vicinity and the proposed dwelling would not be comparable in size or design to existing dwellings in the surrounding area. It would therefore be at odds with the prevailing pattern of development in the area. I saw on my site visit that some adjacent properties have detached garages located adjacent to the existing

access track. The proposed dwelling would relate more to those buildings in terms of siting, size and design. Whilst the garages are substantial, they are clearly ancillary buildings and viewed within the context of the much wider residential curtilage of their host properties.

6. This would not be the case with the appeal proposal. Its design and layout, with its own curtilage and parking, would clearly identify it as an independent building. It would therefore have a distinctly different character to that of existing detached garages in the area.
7. Although the proposed dwelling has been designed as a single storey property, with first floor accommodation in the roof, it would be noticeably larger than existing garages in the vicinity. It would be sited within a much smaller plot and in close proximity to its front and side boundaries. Consequently, when viewed from the access track the proposed dwelling would visually fill the site and appear cramped.
8. The dwelling would be an incongruous addition within the street scene, resulting in harm to the open character and appearance of the site and surrounding area. It would also reduce the outdoor space to the front of No 14, further eroding the open established character of development in the area.
9. Whilst the development would utilise appropriate materials, provide adequate garden area and accommodate bin storage and parking, I consider these matters would have a neutral effect, and therefore do not weigh in favour of the appeal.
10. The proposals would therefore not accord with Policy EQ11 of the South Staffordshire Council: Core Strategy Development Plan Document, 2012 (CS) which states that development should respect the scale of spaces and buildings in the local area, contributing positively to the street scene and surrounding buildings.

Living conditions

11. No 14 would lie to the rear of the appeal site and be accessed via a driveway located aside the appeal site boundary. It is noted that windows in the elevation of No 14, that would face the appeal site, generally serve non-habitable rooms and the main outlook for this property is to the rear.
12. However, there is a ground floor window to an office and a first-floor window to a bedroom at No 14 which face the appeal site, and the outlook from these would be affected by the appeal scheme. It is acknowledged that the roof of the existing garage at No 14 has some impact on the outlook from the bedroom window. The garage roof though is hipped and overall does not have a substantial bulk. In addition, there is a flat section of roof at No 14, which provides some separation between the garage roof and bedroom window. Therefore, the outlook from this window is not wholly obscured, and there is an appreciation of the open character of the site and surrounding area.
13. Whilst minimum separation distances may be met, the proposed dwelling would be a substantial detached building that would affect the outlook from these habitable room windows, especially at ground floor. It would be a dominant and enclosing feature which, when also considering the siting of the proposed dwelling in relation to No 14, would have an oppressive effect and result in occupants of No14 feeling hemmed in. There would be greater separation

between the proposed dwelling and other adjacent properties, as such it is acknowledged that any impact to their living conditions would be limited.

14. For the reasons above I conclude that the development would result in unacceptable harm to the living conditions of the occupants of No 14 and therefore conflicts with Policy EQ9 of the CS which seeks to protect existing residential amenity.

Other Matters

15. It is acknowledged that there were no neighbour or consultee objections submitted to the original planning application and that the Council provided positive pre-application advice, however the Council is not bound by such informal advice and having considered the appeal on its merits this does not lead me to a different conclusion.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

A Denby

INSPECTOR